

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

TEMPORARY PERMIT **20051**Application 28938 of John Hancock Mutual Life Insurance Company
c/o Don Kienlen, 1616 29th Street, Suite 300, Sacramento, California 95816filed on November 14, 1986, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Cedar CreekTule Lake Reservoir

Tributary to:

West Valley Creek thenceSouth Fork Pit RiverCedar Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Point of Diversion North 2,000 feet and West 2,200 feet from SE corner of Section 33	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	38N	14E	MD
Point of Rediversion South 375 feet and East 1,550 feet from NW corner of Section 18	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	18	39N	14E	MD
Point of Rediversion North 3,100 feet and East 1,000 feet from SW corner of Section 6	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	39N	13E	MD

County of Lassen

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Irrigation	Approximately 2,092.5 acres within a gross area of 3,594 acres within Sections 26 and 35, T42N, R12E, MDB&M, and Sections 2, 11, 12, 14, 15, 22, 23, 26, 27, 34 and 35, T41N, R12E, MDB&M, as shown on map file with State Water Resources Control Board.					

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 16 cubic feet per second by direct diversion to be diverted from April 20, 1987 to October 15, 1987 and rediversion of 3,775 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from April 20, 1987 to October 15, 1987. The total amount of water to be taken from the sources under this temporary permit shall not exceed 3,775 acre-feet. (0000005)

6. The Board shall supervise diversion and use of water under the temporary permit for the protection of vested rights and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this temporary permit. (0160600)

7. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. (0000012)

8. Rights under this temporary permit are subject to existing rights determined by the Tule Lake Reservoir Adjudication, Superior Court, Lassen County, No. 17327 insofar as said adjudicated rights are maintained. (000N001)

9. Permittee shall report to the State Water Resources Control Board by December 1, 1987 the maximum rate of diversion and the total acre-feet diverted under this temporary permit. (0100999)

10. This temporary permit is issued and Permittee takes it subject to the California Water Code, Division 2, Chapter 6.5, Section 1425 et seq. Any temporary permit issued under this chapter shall not result in a creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board. This temporary permit shall automatically expire 180 days after the date of issuance, unless an earlier date is specified or it has been revoked. (000M001)

11. The permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water contained in Tule Lake Reservoir. The reservoir must contain more than 13,510 acre-feet before any use under this temporary permit may commence. If the amount in storage on April 20, 1987 is under 17,285 acre-feet (13,510 plus 3,775 AF), the permittee may divert the difference between the amount in storage and 13,510 acre-feet. (0100400)

12. The permittee, with the cooperation of other diverters, shall install and properly maintain in Tule Lake Reservoir a staff gage satisfactory to the State Water Resources Control Board, for the purpose of determining water levels and the amount held in storage in the reservoir.

The permittee shall record the staff gage reading at the beginning and end of the irrigation season and shall report to the State Water Resources Control Board by December 1, 1987. (0050999)
(0070999)
(0100999)

13. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 24 1987

STATE WATER RESOURCES CONTROL BOARD

Wiley Johnson
for Chief, Division of Water Rights